

REPORT / RECOMMENDATION



To: Mayor and City Council

Agenda Item #: IV. G.

From: Laura Adler, Water Resources Coordinator

Action ☒

Discussion ☐

Date: December 17, 2013

Information ☐

Subject: Stormwater Pollution Prevention Plan Application for Reauthorization

Action Requested:

Approve the Stormwater Pollution Prevention Plan (SWPPP) Application for Reauthorization and proposed SWPPP activities.

Information / Background:

The Minnesota Pollution Control Agency revised the Municipal Separate Storm Sewer Systems (MS4) general permit, effective August 1, 2013. Due to this revision, the city must update its Storm Water Pollution Prevention Plan (SWPPP) to meet the new requirements. On August 20, 2013, the City Council authorized a contract with WSB & Associates to revise the city's SWPPP.

Current Process:

The SWPPP addresses six Minimum Control Measures (MCMs): Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management, and Pollution Prevention/Good Housekeeping for Municipal Operations. Because the MCMs are so wide-ranging, many different departments have and will be implementing the activities.

In order to determine how the city has been doing on its current SWPPP, Engineering and WSB staff conducted a "mock audit" with these departments. The results from the mock audit identified areas where the current program is lacking and where there are gaps between the existing SWPPP and the new requirements. WSB staff modeled the mock audit on audits the MPCA has been performing on municipalities over the last few years. It is very likely that Edina will undergo an audit with the MPCA within this five-year permit term. The mock audit is an effective way to see how the city would perform on a formal audit. Staff used documents employed by the Environmental Protection Agency (EPA) to thoroughly analyze what the city is doing to fulfill its SWPPP requirements.

There are areas where the city's SWPPP program needed improvement as well as areas where it surpasses the current minimum requirements. One incomplete area for nearly all MCMs was record keeping. The MPCA requires a significant amount of record keeping with this permit from the number of brochures

distributed to the public to maintenance records for the storm sewer system. The expansion and use of the City Works asset management software will correct much of this deficiency. Some areas that the city surpasses the minimum requirements are in frequency of street sweeping and updating and maintaining the GIS map of the city's storm sewer system. City streets are swept a minimum of two times per year; areas with heavy leaf cover are swept more frequently, preventing a significant amount of sediment and pollutants from entering the storm sewer system. The GIS map of the storm sewer system is continuously updated and maintained. Engineering has implemented an inspection program to inspect all manholes, outlets, and ponds within a five-year period. This inspection information helps prioritize maintenance activities as well as field-checking the storm sewer system data within the GIS map. Attached is a memo from WSB that details all the required SWPPP program changes.

Staff worked on a strategy for how the city will fulfill all requirements. Many departments will be implementing SWPPP activities concurrent with their core functions. Each department will need to integrate these tasks within their workload and record keeping. The Engineering Department will coordinate the SWPPP, including meeting quarterly with each department to ensure that we are staying on track with our required activities, as well as record keeping and annual report submittal to the MPCA.

In addition to the city departments, Engineering staff plan to pursue an agreement with Minnehaha Creek Watershed District and Nine Mile Creek Watershed District to fulfill some of the SWPPP requirements. The attached example watershed district partnership agreement, provided by the Minnehaha Creek Watershed District as a sample of the Memorandums of Understanding they execute with other municipalities, will be the starting point for the agreement. Edina currently relies on the watershed districts to implement stormwater rules and provide stormwater education. By creating a formal agreement, the city will be able to coordinate existing activities to meet some of the SWPPP requirements.

The first formal step in the SWPPP revision is to apply to the MPCA for reauthorization of the city's MS4 permit. City staff worked with WSB & Associates to complete the application, which includes the "SWPPP Document," a summary of the city's proposed SWPPP. The application is due on December 30, 2013. Once submitted, the MPCA will review the application and "SWPPP Document" and put them out for a 30-day public comment period. After the comment period has closed, the MPCA will review any public input and make a decision on the permit.

Future Impacts:

The update of the SWPPP itself has a variety of impacts to staff workload and the stormwater utility. When city staff begin implementing activities from the SWPPP there will be a number of items coming before the City Council. These may include ordinance changes (see attached ordinances for examples) and projects that address the city-allocated reductions in phosphorous and chloride from Total Maximum Daily Load (TMDL) reports. The Energy and Environment Commission may be involved in the ordinance and policy changes. Existing and future planned projects may also address these reductions. For example, many of the potential stormwater aspects of the Living Streets initiative provide reductions in phosphorus. Additionally, there may be significant studies and CIP expenditures associated with the new SWPPP, such as pond assessments and dredging, upgraded equipment for street sweeping and salt application, and additional inspections and maintenance burden.

The revised SWPPP will also have impacts on city operations. As mentioned above, multiple departments will be performing the SWPPP implementation activities. New policies and standard procedures need to be developed for a variety of activities. The Public Works Department will be required to increase facility and infrastructure inspections, including new types of stormwater features such as raingardens and underground treatment structures, as well as increasing the frequency of street sweeping. The Communications Department will be producing and distributing more content on stormwater education. The new SWPPP will require a significant number of erosion control inspections of construction sites, performed by the Building Inspections Department. The Engineering Department will continue to develop and maintain GIS stormwater infrastructure data, incorporate stormwater regulations into city projects, manage specific TMDL projects, coordinate the SWPPP activities between departments, and assemble the required annual reporting. There will also be additional ongoing training and record keeping requirements associated with these activities. The attached memo from WSB summarizes the additional SWPPP tasks.

Conclusion:

The city is required to submit the SWPPP Application for Reauthorization and SWPPP Document for the MPCA's approval by December 30, 2013. Staff completed these documents in order to fulfill the minimum requirements, allowing flexibility for future policy discussions. By submitting this application, the city is in compliance with the MS4 permit. The MPCA's approval of the permit will kick off a variety of timelines to complete further work. The attached application may undergo minor changes prior to submittal.

Attachments:

MS4 SWPPP Application for Reauthorization and SWPPP Document

Memo from WSB & Associates

Example Watershed District Partnership Agreement

Example Ordinances



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

**for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document**

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This *MS4 SWPPP Application for Reauthorization* form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Edina *County: Hennepin
(city, county, municipality, government agency or other entity)
*Mailing address: 4801 W. 50th Street
*City: City of Edina *State: MN *Zip code: 55424
*Phone (including area code): 952-927-8861 *E-mail: mail@edinamn.gov

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Adler *First name: Laura
(department head, MS4 coordinator, consultant, etc.)
*Title: Water Resources Coordinator
*Mailing address: 7450 Metro Blvd.
*City: City of Edina *State: MN *Zip code: 55439
*Phone (including area code): 952-826-0445 *E-mail: ladler@edinamn.gov

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Carlson First name: Jesse
(department head, MS4 coordinator, consultant, etc.)
Title: Water Resources Project Manager
Mailing address: 477 Temperance Street
City: St. Paul State: MN Zip code: 55101
Phone (including area code): 651-286-8464 E-mail: jcarlson@wsbeng.com

Verification

- I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this *MS4 SWPPP Application for Reauthorization* form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☐ Yes
- I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☐ Yes

Certification (All fields are required)

- ☐ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: _____
(This document has been electronically signed)

Title: _____ Date (mm/dd/yyyy): _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Phone (including area code): _____ E-mail: _____

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☒ No partnerships with regulated small MS4s

| Name and description of partnership | MCM/Other permit requirements involved |
|-------------------------------------|--|
| | |
| | |
| | |
| | |
| | |

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

The City of Edina currently has no formal partnerships with other MS4s. They do promote educational activities presented by the Minnehaha Creek Watershed District and Nine Mile Creek Watershed District. The watershed districts also have active permitting programs for erosion and sediment control and post-construction stormwater management. The goal will be to develop the following formal partnerships:

- Education program implementation
- Construction site erosion and sediment control regulation
- Post-construction stormwater management regulation
- Project funding for TMDL implementation projects

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☐ Yes ☒ No

1. If yes:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☐ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If no:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City Code, Section 1035, General Nuisances has language regarding the pollution or contamination to any well, cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial waste, or other substance; however based upon review the City will either create a new ordinance or revise the existing ordinance to address the requirement of the MPCA MS4 permit. The final ordinance will be adopted within 12 months of the City receiving permit coverage.

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If yes:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City Code, Section 405 - Landscaping, Screening and Erosion Control

City Code, Section 411 - Demolition Permit and Buidling Permits for Single and Two Family Dwelling Units

City Code, Section 830 - Tree Removal, Grading, and Excavations

Direct link:

City Code 405 - http://edinamn.gov/edinafiles/files/City%20Code/Chapter_4/Section%20405%20Landscaping%20Screeging%20&%20Erosion.pdf

City Code 411 -

http://edinamn.gov/edinafiles/files/City%20Code/Chapter_4/Section%20411%20Demolition%20Permits%20And%20Building%20Permits%20For%20Single%20And%20Two-Family%20Dwelling%20Units.pdf

City Code 830 - http://edinamn.gov/edinafiles/files/City%20Code/Chapter_8/Section%20830%20Tree%20Removal,%20Grading%20&%20Excavations.pdf

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg.*

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

We will update our construction site stormwater runoff control regulatory mechanism to be at least as stringent as the MPCA CSW permit. This effort will be completed within 12 months of the date permit coverage is extended.

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|---|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

5. BMP maintenance ☐ Yes ☒ No
6. Management of solid and hazardous wastes on each project site. ☒ Yes ☐ No
7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. ☐ Yes ☒ No
8. Criteria for the use of temporary sediment basins. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City currently has language in City Code, Sections 405, 411 and 830 regarding erosion control, sediment control, and management of solid wastes, but the language is not as stringent as MPCA CSW requirements. The City code may be revised to include language that is at least as stringent as the MPCA CSW permit for items C.1 through C.5, C.7, and C.8 or the City will seek to establish a partnership with the watersheds. The City will meet with the watersheds within 2 months of receiving permit coverage to determine if establishing a partnership is feasible. If a partnership is feasible and the City wishes to develop a partnership it will be established within 6 months of receiving permit coverage. If a partnership is not established the City will develop a stormwater ordinance that will meet the requirements of the MPCA CSW permits.

Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?
☒ Yes ☐ No

1. If yes:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language
☒ Policy/Standards ☐ Permits
☐ Rules
☒ Other, explain:

The City has an approved Comprehensive Water Resources Management Plan. Section 3.2.2, policies 6 & 7 of the plan adopts the Minnehaha Creek Watershed District and Nine Mile Creek Watershed District's rules by reference.

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City Code, Section 411 - Demolition Permit and Buidling Permits for Single and Two Family Dwelling Units

Comperhensive Water Resources Management Plan, Section 3.2.2, Policies 6 & 7

Nine Mile Creek Watershed District Stormwater Rule

Minnehaha Creek Watershed District Stormwater Rule

Direct link:

City Code 411 -

[http://edinamn.gov/edinfiles/files/City%20Code/Chapter_4/Section%20411%20Demolition%20Permits%20](http://edinamn.gov/edinfiles/files/City%20Code/Chapter_4/Section%20411%20Demolition%20Permits%20And%20Building%20Permits%20For%20Single%20And%20Two-Family%20Dwelling%20Units.pdf)

[And%20Building%20Permits%20For%20Single%20And%20Two-Family%20Dwelling%20Units.pdf](http://edinamn.gov/edinfiles/files/City%20Code/Chapter_4/Section%20411%20Demolition%20Permits%20And%20Building%20Permits%20For%20Single%20And%20Two-Family%20Dwelling%20Units.pdf)

Comprehensive Water Resources Management Plan:

http://edinamn.gov/index.php?section=engineering_water_resource

Nine Mile Creek Watershed District Stormwater Rule: <http://www.ninemilecreek.org/Regulatory/Rule04.pdf>

Minnehaha Creek Watershed District Stormwater Rule:

<http://www.minnehahacreek.org/sites/minnehahacreek.org/files/pdfs/regulatory/Stormwater%20Management%20Rule.pdf>

- ☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention:
 MS4NameHere_PostCSWreg.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary

to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):

- a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☒ Yes ☐ No
- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of Total Suspended Solids (TSS).
 - 3) Stormwater discharges of Total Phosphorus (TP).
- b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☒ Yes ☐ No
- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.

3. **Stormwater management limitations and exceptions:**

a. Limitations

- 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
- a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
- 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
- a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☒ Yes ☐ No

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:

- a. Mitigation project areas are selected in the following order of preference: ☒ Yes ☐ No
- 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
- b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☒ Yes ☐ No
- c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☒ Yes ☐ No
- d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
- e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☒ Yes ☐ No
- f. If the permittee receives payment from the owner and/or operator of a construction activity ☒ Yes ☐ No

for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).

5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☒ Yes ☐ No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☒ Yes ☐ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

B.3.a.1: The watersheds stormwater rules have provisions for prohibiting the use of infiltration techniques; however may not be as specific as the language provided in the MS4 permit. The City will meet with the watersheds to establish an agreement that will include a policy that the watersheds evaluate the sites to prohibit discharges as described in the Permit (Part III.D.5.a(3)(a)(.1)). The City will meet with the watersheds within 2 months of receiving permit coverage to determine if establishing a partnership is feasible. If a partnership is feasible it will be established within 6 months of receiving permit coverage. If a partnership cannot be established the City will develop a regulatory mechanism that will meet the requirement of the MPCA MS4 permit.

B.3.a.2: The watershed stormwater rules have provisions for restricting the use of infiltration techniques; however may not be as specific as the language provided in the MS4 permit. The City will meet with the watersheds to establish an agreement that will include a policy that the watersheds evaluate the sites to restrict discharges as described in the Permit (Part III.D.5.a(3)(a)(.2)). The City will meet with the watersheds within 2 months of receiving permit coverage to determine if establishing a partnership is feasible. If a partnership is feasible it will be established within 6 months of receiving permit coverage. If a partnership cannot be established the City will develop a regulatory requirement that will meet the requirement of the MPCA MS4 permit.

B.4.d.: The City will either meet with the watersheds to establish a policy or regulatory mechanism to include the requirement to complete mitigation projects within 24 months after the start of the original construction activity as described in the Permit (Part III.D.5.a(4)(d)). This will occur on the same schedule as the items above.

B.5.c.: The City will either meet with the watersheds to establish a policy or regulatory mechanism to include the requirement to address BMP modifications in the future as described in the Permit (Part III.D.5.a(5)(c)). This will occur on the same schedule as the items above.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

- 1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
- 2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

The City will develop draft ERPs within 6 months of receiving permit coverage. The draft ERPs will include requirements for site inspections, criteria for elevating enforcement, and enforcement tools. The will be developed for MCM 3, 4, and 5. Enforcement mechanisms considered may include:

- Notice of Violations

- Stop Work Orders
- Securities in the form of a performance bond, letter of credit, or cash deposit
- Misdemeanor
- Partnerships with the watersheds for enforcement of their maintenance agreement for post-construction stormwater BMPs.

The draft ERPs will be incorporated in the City Code, policy document, or a formal partnership with the watersheds within 12 months of receiving permit coverage.

B. Describe your ERPs:

The current ERPs are include in the following City Codes: Section 100; Penalties for Violation, Section 405; Landscaping Screening, and Erosion Control, Section 411; Demolition Permits and Building Permits for Single and Two Family Dwelling Units, and Section 830; Tree Removal, Grading, and Excavations.

The City Code includes the following enforcement mechanisms:

- Misdemeanors
- Requirement for securities
- Stop work orders

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

The City GIS administrator updates and maintains all of the City's GIS information. The storm sewer system is updated annually with road reconstruction projects as-built information will be collected for new developments/redevelopments. The map is also updated as the City inspects their storm sewer system.

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
2. A geographic coordinate. ☒ Yes ☐ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA ☒ Yes ☐ No on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4> , according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

The City of Edina is comprised of a large percentage of single family residential. The other land uses include industrial, commercial, multi-family residential, and parks. The priority of the education program has been mainly centered on issues associated with single family residential. The City sends educational information using the following:

- About Town newsletter
- Announcements made in the City Extra email notification system
- Announcements made using social media
- Use "Hometown Heroes" to help celebrate people who take pride in the community
- Video message either posted on-line or aired on the cable access channel
- Website
- Newcomer packet
- Public Works Pipeline

When events are being held in the City the Minnehaha Creek Watershed District or Nine Mile Creek Watershed District the City either partners or sponsors those events.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

| Established BMP categories | Measurable goals and timeframes |
|---|--|
| | <i>The City will distribute a minimum of three educational publications via City mailings, workshops, presentations, website postings, or newsletters per calendar year.</i> |
| <i>Distribute Educational Materials</i> | <i>This BMP will be revised in the new permit term to prioritize educational activities.</i> |
| | <i>The City or its designee will develop and distribute educational material and present an overview of the MS4 program and 6 minimum control measures used within the City's SWPPP at each annual public meeting, via City mailings or newsletters, and on the City's storm water web page.</i> |
| | <i>The City will provide stormwater education and outreach programs for residents within the City annually.</i> |
| <i>Implement an Education Program</i> | <i>This BMP will be revised in the new permit term to prioritize educational activities.</i> |

| | |
|--|---|
| <i>City Website</i> | <i>The City will update its existing storm water webpage with additional water resource related issues. Topics may include, SWPPP information, best management practices, illicit discharge prevention and detection information, information on non-point source pollution, and local contact information for residents to request further information on specific stormwater topics or to report a stormwater related infraction.</i> |
| <i>City Newsletter</i> | <i>The City will develop then distribute water resource related articles in the City newsletter. Article topics may include best management practices, illicit discharge information, and non-point source pollution, etc. Annually the City will distribute a minimum of two stormwater related articles.</i> |
| <i>Coordination of Education Program</i> | <i>City staff will coordinate with the <u>NMCWD</u> and <u>MCWD</u> to distribute educational materials and promote outreach programs. Annually the City will promote at least up to two educational workshop or presentations.</i> |
| BMP categories to be implemented | Measurable goals and timeframes |
| <i>Program Evaluation</i> | <i>During yearly SWPPP review, consider which materials are most effective for our program and audiences, Use this information to determine printing numbers for future education materials.</i> <i>Consider information from citizen feedback related to all aspects of our SWPPP to determine education needs on a yearly basis.</i> |

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Jennifer Bennerotte, Communications and Technology Services Director

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

The City of Edina is comprised of a large percentage of single family residential. The other land uses include industrial, commercial, multi-family residential, and parks. The priority of the education program has been mainly centered on issues associated with single family residential. The City sends educational information using the following:

- About Town newsletter*
- Announcements made in the City Extra email notification system*
- Announcements made using social media*
- Use "Hometown Heroes" to help celebrate people who take pride in the community*
- Video message either posted on-line or aired on the cable access channel*
- Website*
- Newcomer packet*
- Public Works Pipeline*

When events are being held in the City the by Minnehaha Creek Watershed District or Nine Mile Creek Watershed District the City either partners or sponsors those events.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories, hit the tab key after the last line to generate a new row.**

| | |
|-----------------------------------|--|
| Established BMP categories | Measurable goals and timeframes |
| <i>Annual Public Meeting</i> | <i>The City will host an annual public meeting and record the number of attendees at the public meeting, all comments received, and responses to each comment in the record of</i> |

| | <i>decision. The effectiveness of this BMP will be measured by the number of residents who attend the annual public meeting.</i> |
|---|--|
| <i>Comply with Public Notice Requirements</i> | <i>The City will submit a public meeting notice to the local newspaper. This goal will be met by publishing the public meeting notice at least 30 days in advance of the meeting date.</i> |
| <i>Solicit Public Input</i> | <i>The City will conduct a public meeting and host a website on the City's Stormwater Pollution Prevention Program. The goal of this BMP will be met by hosting and recording all public comments received (if any) at the public meeting.</i> |
| <i>Consider Public Input</i> | <i>The City will conduct a public meeting and host a website on the City's Storm Water Pollution Prevention Program. City staff will respond to all public comments and statements received from the public meeting, and document any proposed changes to the SWPPP for final approval by City Engineer (if applicable). The goal of this BMP will be met by documenting all written and oral input.</i> |
| BMP categories to be implemented | Measurable goals and timeframes |
| <i>Coordination meeting</i> | <i>The City will annually hold a coordination meeting involving the Minnehaha Creek Watershed District and Nile Mile Creek Watershed. If a formal agreement is established with the watersheds the meeting would include discussing assistance with educational activities, erosion control, post-construction stormwater management, and TMDL implementation.</i> |
| <i>SWPPP Information Available at Annual Festival</i> | <i>Make the SWPPP and other important stormwater resources available at an annually held City event. People will be able to provide comments. This may take place of the annual public meeting.</i> |

3. Do you have a process for receiving and documenting citizen input? ☐ Yes ☒ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

B.3. The City will develop written procedures for receiving, documenting and storing citizen input as described in the permit (Part III.C.2.b). Procedures will be in place within 12 months following the date permit coverage is extended

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Laura Adler, Water Resources Coordinator

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

The City has a nuisance ordinance that prohibits the pollution of public water. City Staff and public works employees are trained to look for any signs of an illicit discharge while on the job and during their system inspections. The City is also aware of the necessary action in the event of a spill and the need to contact the Minnesota Duty Officer. ERPs will be developed to guide the actions the City will take to respond to an illicit discharge.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No
- Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No
- Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☐ Yes ☒ No
- Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could ☐ Yes ☒ No

result in an illicit discharge.

- e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☐ Yes ☒ No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☐ Yes ☒ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.2.c to C.2.h: The City will formalize the current practices to develop Standard Operating Procedures (SOPs) for Illicit Discharge Detection and Elimination. The City currently incorporates illicit discharge inspections into the the evaluation of the City's stormwater conveyance system including:

- Structural stormwater BMPs
- Ponds
- Outfalls
- Facility investigations

The SOPs will include procedures for identifying priority areas, tracking illicit discharge, responding in a timely fashion, eliminating illicit discharge if they are detected, and using City of Edina's ERPs. Training will be provided to all staff that may be responsible for identifying illicit discharges. The training will be a part of ongoing stormwater training with City staff. Procedures will be in place within 12 months following the date permit coverage is extended.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

| Established BMP categories | Measurable goals and timeframes |
|---|---|
| Storm Sewer System Map | The City will review and update storm sewer map annually. Updates made will be the result of City projects and development/redevelopment. |
| Regulatory Control Program | The City will review existing ordinances and, if necessary, develop a city ordinance related to illicit and non-stormwater discharges into the City's storm sewer and surface/ground waters. The goal of this BMP will be met by reviewing existing city ordinances and implementing a specific ordinance related to illicit/non-stormwater discharges (if necessary). |
| IDDE Plan | The City will develop and implement a program to detect and reduce non-stormwater discharges, including illegal dumping. Procedures for detection may consist of visual inspections for non-stormwater discharges on City owned land and private property (as requested). Inspection frequency may be conducted concurrent with the outfall inspections and be included as a part of routine activities. |
| Public and Employee Illicit Discharge Information Program | The City or its designee will discourage illegal dumping by educating the public (City residents, businesses, and staff) on its potential sources and effects as well as alternative uses for unwanted materials. This BMP includes providing information on recycling options, services, and programs within the City such as drop-off sites for household hazardous waste. The City will also review the current educational activities undertaken by its staff to identify, prevent, and reduce illicit discharges from daily public works activities and other general City operations. |
| Identification of Non Stormwater Discharges and Flows | The City has identified and evaluated the following categories of non-stormwater discharges (as defined in Part V.G.3.e): |

Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetland, de-chlorinated swimming pool discharges, and street wash water, discharges or flows from fire fighting activities.

The City has determined the above referenced sources of non-stormwater discharge to be insignificant pollutant contributors to the MS4 system.

| BMP categories to be implemented | Measurable goals and timeframes |
|--|---|
| Inspections | Annually inspect locations identified as high-priority outfalls around high-risk establishments (industrial facilities, fast food restaurants, car washes, historical issues, and vehicle repair shops) |
| Illicit Discharge Investigation | If illicit connections are suspected televisive sewer system, collect grab samples, or perform other effective testing procedures to find illicit connections in the system. |
| Community Reporting Options and Documentation Procedures | The City will evaluate the need to develop a link on the City website where all complaints can be logged. |

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

C.4., The City will develop written procedures for receiving, documenting and storing citizen input as described in the permit (Part III.D.3.h). The procedure may include incorporating a link on the website and will include a record of all complaints received and follow-up activity that was performed. Procedures will be in place within 12 months following the date permit coverage is extended.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Laura Adler, Water Resources Coordinator

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

The City requires review of construction site erosion and sediment control (ESC) plans before projects begin, and works with contractors to ensure appropriate and correct use of erosion and sediment control BMPs is being implemented on site. The building inspection department is primarily responsible for checking compliance with construction site ESC plans.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
- Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
 - Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to Discharge Stormwater Associated with Construction Activity No. MN R100001? ☐ Yes ☒ No
 - Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☐ Yes ☒ No
 - Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - Does your program include procedures for identifying priority sites for inspection? ☐ Yes ☒ No
 - Does your program identify a frequency at which you will conduct construction site inspections? ☐ Yes ☒ No
 - Does your program identify the names of individual(s) or position titles of those responsible for ☐ Yes ☒ No

conducting construction site inspections?

- 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☐ Yes ☒ No
- e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
- f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

D.2.c., The City will develop written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public as described in the Permit (Part III.D.4.c). Procedures will be in place within 12 months following the date permit coverage is extended.

D.2.d., City will develop written procedures for conducting site ESC inspections as described in the Permit (Part III.D.4.d). The written procedures will also define the roles that the City and the watersheds will play in ESC site inspections as may be established in the partnerships between the City and the watersheds. Procedures will be in place within 12 months following the date permit coverage is extended.

D.2.g., City will develop written procedures for retaining documents of site ESC inspections as described in the Permit (Part III.D.4.d). The written procedures will also define the roles that the City and the watersheds will play in documenting construction site inspections as may be established in the partnerships between the City and the watersheds. Procedures will be in place within 12 months following the date permit coverage is extended.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

| Established BMP categories | Measurable goals and timeframes |
|--|---|
| <i>Ordinance or other Regulatory Mechanism</i> | <i>The City will review the current permit stipulations/city codes relating to project specific site erosion and sediment control as part of the conditions of the permit. Staff will review current ordinances and City codes and update as necessary.</i> |
| <i>Construction Site Implementation of Erosion and Sediment Control BMPs</i> | <i>Construction site operators must conform to NPDES Phase II permit requirements and local city requirements for construction site erosion control on sites 1 acre or larger. As part of the City's permit approval standards, erosion control BMPs must be implemented in accordance with the NPDES permit requirements, grading permit stipulations, and applicable city codes.</i> |
| <i>Waste Controls for Construction Site Operators</i> | <i>Construction site operators must confirm to NPDES Phase II permit requirements and the City's requirements for proper waste and material disposal, as defined in City codes, section 830. All waste and unused building materials must be properly disposed of off-site and prevented from being carried by runoff into a receiving channel or storm sewer system.</i> |
| <i>Procedures for Site Plan Review</i> | <i>Every applicant for a city building permit, subdivision approval, or grading permit that disturbs one acre or more is required to submit a project specific stormwater management plan (if applicable) and/or erosion control plan to the City for review and approval. Construction permits are also required to meet MPCA NPDES Phase II guidelines for erosion and sediment control and all applicable City ordinances and codes.</i> |
| <i>Procedures for Receiving Complaints</i> | <i>The City will provide a phone line and website links for the public to report potential construction site erosion control and waste disposal infractions.</i> |
| <i>Site Inspection and Enforcement</i> | <i>The City will provide training to its staff on proper erosion control, identification of problem areas, and the expectations of the Stormwater Pollution Prevention Plan (SWPPP) for construction site operations.</i> |

| BMP categories to be implemented | Measurable goals and timeframes |
|----------------------------------|--|
| <i>Prioritize Inspections</i> | <i>The City will develop a process to determine the frequency for inspecting high priority inspection sites (e.g., near sensitive receiving waters, projects larger than 5 acres).</i> |
| <i>Documentation Procedures</i> | <i>Develop written procedures to track and archive all plan review and inspection documents within 12 months following the date permit coverage is extended.</i> |

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Engineering Department for Review and Support

Cindy Larson, Residential Redevelopment Coordinator

Steve Kirchman, Chief Building Official

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

The City reviews sites for post-construction stormwater management primarily to evaluate how private systems are connecting into the public system and ensuring that BMPs designed to manage stormwater are being constructed properly. For large sites typically 3 reviews are required by the City. As stated in the City of Edina's approved Comprehensive Water Resources Management Plan Section 3.2.2, policies 6 & 7 states "Section 3.2.2, policies 6 & 7 of the plan adopts the Minnehaha Creek Watershed District and Nine Mile Creek Watershed District's rules by reference". The watersheds have a detailed review process and stormwater rules that require volume control, water quality, and water quantity.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☐ Yes ☒ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

E.3.b-d., The City will develop written procedures for documentation of post-construction stormwater management for documentation of mitigation projects, payments, and legal mechanisms as described in the Permit (Part III.D.5.c.). Procedures will be in place within 12 months following the date permit coverage is extended.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

| Established BMP categories | Measurable goals and timeframes |
|--|--|
| <i>Encourage the use of structural and non-structural BMPs</i> | <i><u>Structural</u> The City will review and revise (if necessary, during the plan review process) permanent BMP designs and criteria for post-construction stormwater management associated with new development and redevelopment projects of one acre or more. The City will also consider the implementation of low impact development practices if prudent and feasible. The City will annually review and revise (if necessary) the current policies,</i> |

| | |
|---|---|
| | <p>requirements, and Best Management Practices specific to structural BMP's.</p> <p><u>Non-Structural</u> The City may also improve the condition of parks, wetlands, and watersheds when the opportunity arises. Wetland restorations, native plantings, bank stabilization, detention ponds, and other best management construction projects will continue to be will continue to be actively pursued by the City when the opportunity arises.</p> |
| <u>Post-Construction Regulatory Mechanism</u> | <p>The City will implement the requirements of the Comprehensive Water Resource Management Plan (CWRMP), along with applicable City ordinances to minimize the negative impacts stormwater runoff may have on water quality within the City.</p> <p>The City will revise this BMP to include establishing a partnership with the Nine Mile Creek Watershed District and Minnehaha Creek Watershed District for reviewing and permitting of projects 1 acre or greater to require post-construction stormwater management. These post-construction stormwater requirements will include the provisions of the MS4 permit.</p> |
| <u>Long Term Operation and Maintenance of BMPs</u> | <p>City staff will inspect post-construction BMP's then evaluate inspection records for determining the corrective maintenance actions (if necessary) for the long-term operation of all stormwater management facilities owned by the City. Corrective actions and routine maintenance of all stormwater management facilities will be guided by the Comprehensive Water Resource Management Plan, City of Edina's standard specifications and design requirements, and City staff.</p> <p>This will BMP will be revised for the new permit term to include requirements for the long-term operation and maintenance of structural pollution control devices constructed as a part of private systems.</p> |
| BMP categories to be implemented | Measurable goals and timeframes |
| <u>Revise Written Procedures for Site Plan Review</u> | <p>Within 12 months of extension of permit coverage, the City will revise the existing site plan review procedures. These procedures may include a site plan review checklist, and form letter, etc.</p> |
| <u>Permit Tracking System</u> | <p>Within 12 month of extension of permit coverage the City will update their tracking system to include information to assist with tracking construction site inspections, agreements, complaints, and correspondence for reports of non-compliance.</p> |
| <u>BMP Guidance Document</u> | <p>Develop BMP Construction Guidance document for developers and contractors within 12 months of permit coverage extension.</p> |

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Laura Adler, Water Resources Coordinator

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The City currently inspects its structural pollution control devices on an annual basis and inspects all of its outfalls, sediment basins and ponds every 5 years. Inspection information is entered into "City Works" their asset management program and is rated 1-4 to assist with prioritizing maintenance. The City inspects stockpiles, storage and material handling areas at the maintenance yard for potential discharges and maintenance of BMPs as a part of their routine activities. The City is evaluating ways to reduce the the use of road salt for winter road maintenance activities to reduce

chlorides enter in water resources and the City sweeps their streets twice annually (Spring and Fall).

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☒ Yes ☐ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:
4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

| Established BMP categories | Measurable goals and timeframes |
|---|--|
| Municipal Operations, Maintenance, and Training Program | <p>The City will implement the Stormwater Management and Maintenance programs identified within the City's Comprehensive Water Resources Management Plan (CWRMP) and as specified in the City's SWPPP.</p> <p>The City will also provide training materials and workshops to City staff to help reduce stormwater pollution caused from park maintenance, fleet and building maintenance, new construction and land disturbances, outfall inspections, and storm sewer system maintenance.</p> |
| Street Sweeping | <p>The City will brush or vacuum sweep streets a minimum of twice annually in an effort to reduce the amount of sediment, trash and organic material from reaching the storm sewer system and water resources.</p> |
| Annual Inspection of All Structural Pollution Control Devices | <p>The City Public Works Department will inspect all identified structural pollution control devices on City property and prescribe a maintenance schedule as necessary. Newly constructed and rebuilt structural pollution control devices will be added to the storm sewer map.</p> <p>This BMP will be revised to identify that inspections need to be completed at least annually unless a different schedule is justified based on maintenance needs.</p> |
| Inspection of Outfalls and Sediment Basins/Ponds | <p>The City will inspect all mapped outfalls, sediment basins and ponds within the City's storm sewer system. The results of these inspections will be compiled in a report which will include sediment levels, watershed information and recommended maintenance and maintenance schedules.</p> |
| Annual Inspection of All Exposed Stockpile, Storage and Material Handling Areas | <p>City staff will annually locate and inspect all exposed stockpiles and storage/material handling areas located on City owned properties. All existing onsite BMP's will be inspected for conformance to NPDES Phase II permit requirements. Any identified erosion control issues will be corrected and documented per NPDES Phase II standards.</p> <p>This BMP will be updated to increase the inspection frequency to at least quarterly.</p> |
| System Maintenance | <p>The City will determine whether repair, replacement, or maintenance measures are necessary from evaluating inspection reports and other pertinent information. All corrective maintenance, repair, and/or replacement measures will be documented and recorded by the City's public works staff.</p> |

| | |
|--|--|
| | <i>This BMP will be revised to incorporate the City's current system for prioritizing maintenance.</i> |
| <i>Documentation Procedures</i> | <i>The Public Works Director will retain all records of inspection, maintenance, and corrective actions of the City's storm water system. Records will be available, by request, to the public upon approval by the Public Works Director.</i> |
| <i>Evaluation of Inspection Frequency</i> | <p><i>The City will retain records of inspection results and any maintenance performed or recommended. After 2 years of inspections, if patterns of maintenance become apparent, the frequency of inspections may be adjusted at the discretion of the Public Works Director given the following conditions are fulfilled:</i></p> <ol style="list-style-type: none"> <i>1. If maintenance or sediment removal is required as a result of each of the first two annual inspections, the frequency of inspection shall be increased to at least two (2) times annually or more frequently as needed to prevent carry-over or washout of pollutants from structures and maximize pollutant removal.</i> <p><i>If maintenance or sediment removal is not required as a result of both of the first two (2) annual inspections, the frequency may be reduced to once every two (2) years.</i></p> |
| <i>Landscaping and Lawn Care Practices Review</i> | <i>The City will annually review and, if necessary, adjust its current practices in the use of fertilizer, pesticide and herbicide application, mowing and discharge operations, grass clipping collection, mulching and composting.</i> |
| <i>Road Salt Application Review</i> | <i>The City will review the practices and policies of road salt applications such as alternative products, calibration of equipment, inspection of vehicles and staff training.</i> |
| <i>Backwash Recycle Tanks</i> | <i>The City constructed backwash recycle tanks at water treatment plants #2, #3, and #4. Backwash water recycle tanks will collect the backwash water, which now flows to the storm water system. The backwash water will stay in the tanks until the suspended solids settle out, then will be retreated and put into the potable water supply. The settled solids will be discharged to the sanitary sewer system. Each plant will have an emergency overflow point in the recycling tanks, which will enter the same storm sewer system to which each plant currently discharges. The overflow points will be locked controlled discharges.</i> |
| BMP categories to be implemented | Measurable goals and timeframes |
| <i>Develop Spill Prevention & Control Plans for Municipal Facilities</i> | <i>Develop plans describing spill prevention and control procedures by the end of Year 1. Conduct annual spill prevention and response training sessions to all municipal employees. Distribute education materials, i.e. posters and pamphlets, to each municipal facility by the end of year 2.</i> |
| <i>Facility Inventory</i> | <i>The City has created a map of all identified facilities and along with BMPs being used to control pollutants. Where BMPs are not in place identify BMPs that could be implemented along with a schedule for implementation.</i> |
| <i>Pond Assessment Procedures & Schedule</i> | <i>In year 1, develop procedures for determining TSS and TP treatment effectiveness of city owned ponds used for treatment of stormwater. Implement schedule in year 2-5.</i> |

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☒ Yes ☐ No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal ☐ Yes ☒ No

Safe Drinking Water Act, U.S.C. §§ 300j – 13?

- c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☒ Yes ☐ No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☐ Yes ☒ No
8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:
- a. Addresses the importance of protecting water quality? ☐ Yes ☒ No
- b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No
- c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No
9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

F.5.b.2): The City of Edina does not have any known surface water intakes.

F.6.: The City completed a non-degradation evaluation during the previous permit in 2007. The City will use this information to develop a procedure for assessing ponds to determine TSS and TP effectiveness as described in the Permit (Part III.D.6.d). A schedule will be implemented in years 2 thru 5.

F.7.: The City will develop written procedures for inspection of structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas as described in the Permit (Part III.D.6.f.). Procedures will be in place within 12 months following the date permit coverage is extended.

F.8.: The City will develop and implement a stormwater management training program to commensurate with each employees job duties as described in the Permit (Part III.D.6.g.). Procedures will be in place within 12 months following the date permit coverage is extended.

F.9: The City will develop written procedures to document inspections, mainenance, and training as described in the Permit (Part III.D.6.h.). Procedures will be in place within 12 months following the date permit coverage is extended.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Brian Olson, Public Works Director

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☒ Yes ☐ No
1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No
1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming

convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program



engineering • planning • environmental • construction

477 Temperance Street
St. Paul, MN 55101
Tel: 651-286-8450
Fax: 651-286-8488

Memorandum

To: *Laura Adler, City of Edina*

From: *Jesse Carlson*

Date: *12/5/13*

Re: *MS4 General Permit Update*
WSB Project No. 2092-650

Overview

The City of Edina is classified as a city regulated by the Minnesota Pollution Control Agencies (MPCA) Municipal Separate Storm Sewer System (MS4) program. This program began in 2003 and continues on in five year permit cycles. At the end of each permit cycle the MPCA has revised the program to be more restrictive. The current permit term will run from August 1, 2013 to July 31, 2018. The City is required to submit an application for reauthorization by December 30, 2013.

The MS4 program requires municipalities to develop Best Management Practices (BMPs) that are designed to reduce pollutants associated with stormwater runoff. The BMPs need to address each of the following major program components, which are known as Minimum Control Measures (MCMs).

- MCM 1: Public education and outreach
- MCM 2: Public participation
- MCM 3: Illicit discharge detection and elimination. Illicit discharges are non-stormwater discharges such as illegal dumping of hazardous wastes, dog droppings, or illegal connections into the storm sewer, etc.
- MCM 4: Construction-site runoff controls
- MCM 5: Post-construction runoff controls
- MCM 6: Pollution prevention and municipal “good housekeeping” measures (covering salt piles and street-sweeping, etc.)

Program Changes

The following summarizes each of the major program changes that will need to be met as the City of Edina revises their MS4 program.

MCM 1:

- Prioritized education activities (areas without stormwater treatment, areas discharging to waterbodies that have degraded water quality)
- Educating the public on illicit discharge (non-stormwater discharge) recognition and reporting
- Documentation of specific information related to this MCM

MCM 2

- One opportunity annually for public input (vs. public meeting as only option)
- Documentation of specific information related to this MCM

MCM 3

- Written Enforcement Response Procedures
- Stormwater Sewer System Map updated to include pipes 12" or greater and map outfalls
- Incorporation of illicit discharge inspections into other municipal activities
- Training of all field staff in illicit discharge recognition and reporting
- Identification of priority areas for illicit discharge detection (industrial areas)
- Procedures for investigating, locating and eliminating illicit discharges
- Spill response procedures
- Documentation of specific information related to this MCM

MCM 4

- Written Enforcement Response Procedures
- Erosion, sediment and waste control program as stringent as State NPDES requirements for sites with 1 acre or greater in disturbance
- Written procedures for site plan reviews (checklists, review timeframes, etc)
- Written procedures for receipt of public input
- Written procedures for site inspections (inspection checklist)
- Documentation of specific information related to this MCM (documenting inspections, etc)

MCM 5

- Written Enforcement Response Procedures
- Regulatory mechanism for managing runoff volumes, Total Suspended Solids (TSS) and Total Phosphorus (TP) for sites 1 acre or greater
- Local programs must include prohibitions and limitations with regard to infiltrating stormwater
- Mitigation requirements when TSS and Phosphorus cannot be managed on-site
- Legal mechanisms to ensure long-term maintenance of BMPs
- Written procedures for site plan reviews
- Documentation of specific information related to this MCM

MCM 6

- Inventory of facilities that contribute pollutants to stormwater discharges
- Procedures and schedule to determine TSS and TP treatment effectiveness of stormwater ponds (procedures will help prioritize maintenance)
- Quarterly inspections of stockpile/storage and material handling areas
- Documentation of specific information related to this MCM

Enclosed Document

- MS4 Application for Reauthorization – Communicates to MCPA how City will address new permit requirements

EXAMPLE
MEMORANDUM of UNDERSTANDING

**Between the Minnehaha Creek Watershed District
and the City of _____
for Local Water Planning and Regulation**

This Memorandum of Understanding (MOU) is made by and between the Minnehaha Creek Watershed District, a watershed district with purposes and powers as set forth at Minnesota Statutes Chapters 103B and 103D ("MCWD"), and the City of _____, a body corporate and politic and a statutory city in the State of Minnesota ("City").

Recitals and Statement of Purpose

WHEREAS in 2007, the MCWD revised its comprehensive watershed management plan under Minnesota Statutes § 103B.231, which details the existing physical environment, land use and development in the watershed and establishes a plan to regulate water resource use and management to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS the MCWD's comprehensive watershed management plan incorporates the Rules adopted by the MCWD to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS the City has developed a local water management plan under Minnesota Statutes §103B.235 that describes the existing and proposed physical environment and land use within the City and sets forth an implementation plan for bringing local water management into conformance with the MCWD's comprehensive watershed management plan;

WHEREAS on _____, the MCWD Board of Managers conditionally approved the City's local water management plan by adoption of Resolution _____, which resolution is attached and incorporated herein;

WHEREAS the City wishes to continue to authorize MCWD permitting authority with respect to all areas regulated by the MCWD including the Minnesota Wetland Conservation Act;

WHEREAS MCWD approval of a local plan requires a finding that the official controls of the local government are at least as protective of water resources as the MCWD Rules;

WHEREAS the finding by the MCWD Board of Managers in this regard rests on the City's authorization of the MCWD's continued exercise of regulatory authority within the City in accordance with Minnesota Statutes §103B.211, subdivision 1(a)(3);

WHEREAS the MCWD and City desire to memorialize their respective roles in implementing water resource protection and management within the City;

NOW THEREFORE it is mutually agreed by and between the parties that they enter into this MOU in order to document the understanding of the parties as to the roles and responsibilities of each party.

1.0 Responsibilities of the City

1.1 The City may exercise all present and future authority it otherwise may possess to issue permits for and regulate activities affecting water resources within the City.

1.2 The City will meet at least annually with the MCWD to review the implementation of the City's local water management plan.

1.3 Annually, by the date specified for the City's submittal of its annual report under its NPDES municipal stormwater permit, the City will submit to the MCWD a concise but specific report describing:

- a. Progress on the local water management plan implementation program.
- b. Progress on meeting phosphorus load reduction requirements of the WMP.
- c. Any adjustments to the implementation and/or capital improvement program in the local water management plan.
- d. A listing, with further specific information as the MCWD may request, of grading and structural alterations approved or occurring within city boundaries since the last annual report (both private and public alterations) that could measurably affect hydraulic and hydrologic model outcomes.

The City may incorporate its annual report into its NPDES MS4 annual report, provided it addresses the above items with specificity.

2.0 Responsibilities of the MCWD

2.1 The MCWD will continue to apply and enforce its Rules, as they may be amended from time to time, within the City.

2.2 The MCWD will meet with the City at least annually to review the implementation of the City's local water management plan, addressing at a minimum the following topics:

1. Maintenance of up-to-date water quality measures, such as concentrations of Phosphorus, in the City's local water management plan;
2. The City's progress toward Implementation Program/CIP items;
3. Utilizing street sweeping to meet MCWD Phosphorus Loading Reduction goals, and specifically the progress of the City toward testing phosphorus concentrations in sweepings and utilizing that knowledge for effective sweeping.

2.3 The MCWD retains all authority that it may possess under Minnesota Statutes Chapters 103B and 103D or any other provision of law, except as explicitly reposed in the City under this

MOU, including but not limited to authority set forth at Minnesota Statutes §§103B.211, subdivision 1(a); 103D.335 and 103D.341.

3.0 General

3.1 The MOU is effective on the date that it has been executed by both parties, will remain in effect for five years, and will be extended automatically for five-year terms unless terminated by agreement of the parties. Notwithstanding, the City will continue to be subject to applicable statutes and rules requiring that it revise its local water management plan in response to MCWD revisions of the WMP.

3.2 This MOU may be amended only by a writing signed by both parties.

3.3 This MOU does not affect the rights and duties of the parties under the March 24, 2008 Joint Powers Agreement signed by the MCWD and the City of Shorewood, which remains in force and effect according to its terms.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding.

CITY OF _____

**MINNEHAHA CREEK WATERSHED
DISTRICT**

By _____
Mayor

By _____
President, Board of Managers

By _____
City Manager

Date:

Date:

APPROVED AS TO FORM AND
EXECUTION

APPROVED AS TO FORM AND
EXECUTION

By _____
Its Attorney

By _____
Its Attorney

EXAMPLE ORDINANCE

CITY OF _____
COUNTY OF _____
STATE OF MINNESOTA

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

The _____ City Council ordains as follows:

Sec. 35-1. Purpose/Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of _____ through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

- (a) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Sec. 35-2. Definitions.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: the City of _____.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.

Illicit Connections: An illicit connection is defined as any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and action as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse,

rubbish, garbage, litter, or other discarded or abandoned objects, pesticides, herbicides, and fertilizers; hazardous substances and wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drain System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater: means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Sec. 35-3. Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Sec. 35-4. Responsibility for Administration.

The authorized enforcement agency shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 35-5. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Sec. 35-6. Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance and minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 35-7. Discharge Prohibitions.

(a) Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) **Prohibition of Illicit Connections**

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 35-8. Suspension of MS4 Access.

- (a) **Suspension due to illicit discharges in emergency situations.**
The City Council may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
- (b) **Suspension due to the detection of illicit discharge.**
Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for reconsideration and a hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Sec. 35-9. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Council prior to the allowing of discharges to the MS4.

Sec. 35-10. Monitoring of Discharges.

(a) Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(b) Access to Facilities.

- (1) The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of the facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted

facility for the purpose of conducting any activity authorized or required by this ordinance.

- (7) If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 35-11. Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices.

The City will adopt requirements identifying Best Management Practices (BMPs) of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 35-12. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 35-13. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting

or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 35-14. Enforcement.

(a) Notice of Violation

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs;
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Sec. 35-15. Enforcement Measures after Appeal.

If the violation had not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of

the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 35-16. Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City by reason of such violation.

Sec. 35-17. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated and continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 35-18. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 35-19. Violations deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 35-20. Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal

penalty of \$1,000.00 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

This ordinance shall become effective following its passage and publication as required by law.

Additions: Add

Deletions: ~~Delete~~

Mayor

ATTEST:

City Clerk

First Reading:

Second Reading:

EXAMPLE ORDINANCE

Section 828.33. Stormwater Management

Subd. 1. Purpose

Land development projects, and associated increases in impervious cover, alter the hydrologic response of local watersheds. Increases in stormwater runoff rates and volumes, flooding, erosion, sediment transport and deposition, and water-borne pollutants can be controlled and minimized through the regulation of stormwater runoff.

The purpose of this ordinance is to protect and safeguard the health, safety, and welfare of the public by regulating stormwater runoff in order to protect local water resources from degradation. This ordinance seeks to meet this purpose through the following objectives:

- (a) minimize increases in stormwater runoff rates from any development in order to reduce flooding, siltation and erosion and in order to maintain the integrity of stream channels,
- (b) minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality,
- (c) minimize the total annual volume of surface water runoff that flows from any specific site during and following development so as not to exceed the predevelopment hydrologic regime to the maximum extent practicable,
- (d) ensure that these management controls are properly maintained and pose no threat to public safety, and
- (e) implement stormwater management controls to help meet current and future total maximum daily load (TMDL) goals, to address the need to improve water quality, and to meet objectives in the Local Surface Water Management Plan.

Subd. 2. Incorporation by Reference

The *Medina Stormwater Design Manual*, dated November 15, 2011, as it may be amended from time to time, is hereby incorporated into this ordinance as if fully set forth herein. The Manual shall serve as the official guide for stormwater principles, methods, and practices for proposed development activities.

Subd. 3. Definitions

For the purpose of this ordinance, the following definitions describe the meaning of the terms used in this ordinance:

- (a) "Applicant" means a property owner or agent of a property owner who has filed an application for a stormwater management approval.
- (b) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

- (c) "Impervious Area" means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, gravel, driveways, swimming pools, etc.).
- (d) "Land Disturbance Activity" means any activity that changes the volume or peak discharge rate of stormwater runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or fabricated watercourse.
- (e) "Maintenance Agreement" means document recorded against the property which provides for long-term maintenance of stormwater treatment practices.
- (f) "Major Expansion Project" means any construction, alteration, or improvement which disturbs one acre or more in area or which increases the Impervious Area by one-half acre or more and where the existing land use is commercial, industrial, institutional, or multi-family residential. For the purposes of this section, the area of disturbance when repaving or reclaiming an existing paved surface shall only include those areas where soil beneath the existing gravel base is disturbed.
- (g) "Major Single-family Residential Project" means:
 - (i) Any subdivision, as defined by law, which result in one or two additional single-family detached lots; or
 - (ii) Any construction, alteration, or improvement which: 1) disturbs one acre or more in area and increases Impervious Area by more than 1,000 square feet; or 2) increases Impervious Area by more than 5,000 square feet.
- (h) "Minor Expansion Project" means any construction, alteration, or improvement which increases the Impervious Area by more than 5,000 square feet and less than one-half acre where the existing land use is commercial, industrial, institutional, or multi-family residential.
- (i) "New Development" means:
 - (i) Any subdivision, as defined by law. For the purposes of this section, a subdivision creating less than three new single-family detached lots shall not be considered New Development, but should instead be considered a Major Single-family Residential Project.
 - (ii) Construction of a principal structure on an existing vacant lot. For the purposes of this section, construction of a detached single-family home shall not be considered New Development.
 - (iii) Redevelopment of a property which results in the removal of more than 50 percent of the market value of the principal structure and such removal is followed by reconstruction. For the purposes of this section, redevelopment of a single-family detached home shall not be considered New Development.
- (j) "Nonpoint Source Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
- (k) "Off-Site Facility" means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

- (l) “Responsible Party” means the entity which will be responsible for ownership and maintenance of Stormwater Treatment Practices.
- (m) “Site” means:
 - (i) For New Development any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.
 - (ii) For a Major Expansion Project, Minor Expansion Project or Major Single-family Residential Project the area of new construction, as shown on an approved site plan, or the original parcel. Final determination of the applicable area for stormwater management shall be made by the City.
- (n) “Stop Work Order” means an order which requires that all construction activity on a Site be stopped.
- (o) “Stormwater Management” means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak discharge rates.
- (p) “Stormwater Management Plan” means a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contains all of the required information and specifications pertaining to Stormwater Management.
- (q) “Stormwater Runoff” means flow on the surface of the ground, resulting from precipitation.
- (r) “Stormwater Treatment Practices (STPs)” means measures, either structural or nonstructural, that are determined to be the most effective and practical means of preventing or reducing point source or nonpoint-source pollution inputs to stormwater runoff and waterbodies.
- (s) “Water Quality Volume (WQ_v)” means the runoff storage volume needed to treat the specified phosphorus loading as determined in the Medina Stormwater Design Manual.
- (t) “Watercourse” means a permanent or intermittent stream or other body of water, either natural or fabricated, which gathers or carries surface water.
- (u) “Watershed” means the total drainage area contributing runoff to a single point.

Subd. 4. Applicability

- (a) This ordinance shall apply to the following circumstances:
 - (i) New Development, as defined herein;
 - (ii) Major Expansion Projects, as defined herein;
 - (iii) Minor Expansion Projects, as defined herein; and
 - (iv) Major Single-family Residential Projects, as defined herein.
- (b) The following activities shall be exempt from the stormwater performance criteria of this ordinance:
 - (i) Agricultural activity.
 - (ii) Repairs to any Stormwater Treatment Practice deemed necessary by the City.
 - (iii) Emergency actions as declared by the City.
 - (iv) Land Disturbance Activities which do not meet the thresholds described for New Development, Major or Minor Expansion Projects, or Major Single-family Residential Projects as described herein.

Subd. 5. Performance Criteria for Stormwater Management

Unless determined by the City to be exempt or granted a waiver, all site designs shall establish Stormwater Management Practices to control the peak flow rates and pollutants of stormwater discharge associated with specified design storms and runoff volumes, as detailed in the *Medina Stormwater Design Manual*.

- (a) New Development: Rate Control, Volume Control, and Water Quality standards shall apply to all New Development. The City Council may waive strict adherence with Rate Control, Volume Control, and Water Quality standards for redevelopment and new development which results in less than one acre of Land Disturbance. Best management practices addressing the potential water resource impacts associated with the proposed activity shall be incorporated to limit creation of impervious surface, maintain or enhance on-site infiltration, control peak flow rates, and limit pollutant generation on and discharge from the Site. Best management practices may include site design and structural and non-structural practices.
- (b) Major Expansion Projects: Rate Control, Volume Control, and Water Quality standards shall apply to all Major Expansion Projects.
- (c) Minor Expansion Projects: Rate Control, Volume Control and Water Quality standards shall apply to all Minor Expansion Projects. As an alternative to meeting relevant Volume Control and Water Quality standards, an Applicant may install a raingarden or similar stormwater improvement as described in the Medina Stormwater Design Manual. Provisions shall also be required to control the rate of run-off if determined to be necessary by the City Engineer.
- (d) Major Single-family Residential Projects: Rate Control, Volume Control and Water Quality standards shall apply to all Major Single-family Residential Projects. As an alternative to meeting relevant Volume Control and Water Quality standards, an Applicant may install a raingarden or similar stormwater improvement as described in the Medina Stormwater Design Manual. Provisions shall also be required to control the rate of run-off if determined to be necessary by the City Engineer.

Subd. 6. Approval Required Prior to Permit or Subdivision

No landowner or land operator shall receive a building permit, grading permit, or subdivision approval for any project involving Land Disturbance Activities subject to this ordinance until first meeting the requirements of this ordinance prior to commencing the proposed activity.

Subd. 7. Application Requirements

Unless otherwise exempted by this ordinance, an application for stormwater management approval shall include the following as a condition for its consideration:

- (a) a Stormwater Management Plan;
- (b) a Maintenance Agreement.

The Stormwater Management Plan shall be prepared to meet the requirements of Subd. 5 of this ordinance; the Maintenance Agreement shall be prepared to meet the

requirements of Subd. 10 of this ordinance.

In lieu of preparation of a Stormwater Management Plan, Major Single-family Residential Projects and Minor Expansion Projects may install a raingarden or similar stormwater improvement as described in the City Stormwater Design Manual.

Subd. 8. Application Requirements

Applications shall include the following: five copies of the Stormwater Management Plan, three copies of the Maintenance Agreement, and any required review fees.

Subd. 9. Waivers for Providing Stormwater Management

Every Applicant shall provide for Stormwater Management, unless a waiver is granted. Requests to waive the Stormwater Management requirements shall be submitted to the City for approval.

The minimum requirements for Stormwater Management may be waived in whole or in part upon written request of the Applicant, if the City determines that at least one of the following conditions applies:

- (a) It can be demonstrated that the proposed Land Disturbance Activity will not impair attainment of the objectives of this ordinance.
- (b) Alternative minimum requirements for on-site management of stormwater discharges have been established in a Stormwater Management Plan that has been approved by the City.
- (c) Provisions are made to manage stormwater by an Off-Site Facility. The Off-Site Facility is required to be in place, to be designed and adequately sized to provide a level of Stormwater Management that is equal to or greater than that which would be afforded by on-site practices and has a legally obligated entity responsible for long-term operation and maintenance of the stormwater treatment practice.

In instances where at least one of the conditions above applies, the City may grant a waiver from strict compliance with Stormwater Management provisions that are not achievable, if acceptable mitigation measures are provided.

Subd. 10. Stormwater Treatment Maintenance Plan and Agreement

During the application process, the City shall determine who the Responsible Party will be for ownership and maintenance of all Stormwater Treatment Practices.

The Responsible Party shall enter into a Maintenance Agreement with the City that documents all responsibilities for operation and maintenance of all Stormwater Treatment Practices. Such responsibility shall be documented in a maintenance plan and executed through a Maintenance Agreement. The Maintenance Agreement shall be executed and recorded against the parcel.

(a) Maintenance Agreement

The stormwater Maintenance Agreement shall be in a form approved by the City, shall describe the inspection and maintenance obligations of this section and shall, at a minimum:

- (1) Designate the Responsible Party, which shall be permanently responsible for maintenance of the structural or nonstructural measures.
- (2) Pass responsibility for such maintenance to successors in title.
- (3) Grant the City and its representatives the right of entry for the purposes of inspecting all Stormwater Treatment Practices as described in Subd. 10(b) below.
- (4) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the Responsible Party as described in Subd. 10(d) below.
- (5) Include a maintenance plan that contains, but is not limited to the following:
 - (i) Identification of all structural Stormwater Treatment Practices.
 - (ii) A schedule for regular inspection, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.
 - (iii) Identification of the Responsible Party for conducting the inspection, monitoring, and maintenance for each practice.
- (6) Identify a schedule and format for reporting compliance with the Maintenance Plan to the City.

(b) Inspection of Stormwater Facilities

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the National Pollutant Discharge Elimination System (NPDES) stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

When any new Stormwater Treatment Practice is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer, or combined sewer; the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to

believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

(c) Records of Installation and Maintenance Activities

The Responsible Party shall make records of the installation and of all maintenance and repairs of the stormwater treatment practices, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the Stormwater Treatment Practice and at other reasonable times upon request.

(d) Failure to Maintain Practices

If a Responsible Party fails or refuses to meet the requirements of the Maintenance Agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the Stormwater Treatment Practice in proper working condition. In the event that the Stormwater Treatment Practice becomes a danger to public safety or public health, the City shall notify the Responsible Party in writing. Upon receipt of that notice, the Responsible Party shall have thirty days to perform maintenance and repair of the facility in an approved manner. After proper notice, the City may specially assess the owner(s) of the Stormwater Treatment Practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county.

Subd. 11. Financial Security

- (a) The City shall require the submittal of a letter of credit or other financial security in a form acceptable to the City in order to insure that the Stormwater Treatment Practices are installed by the permit holder as required by the approved Stormwater Management Plan. The amount of the security shall be 150% of the total estimated construction cost of the Stormwater Treatment Practices approved, with the exception of Major Single-family Residential Projects, which shall be 50% of the total estimated construction cost. The performance security shall contain forfeiture provisions for failure to complete work specified in the Stormwater Management Plan.
- (b) The security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the Stormwater Treatment Practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City will make a final inspection of the Stormwater Treatment Practice to ensure that it complies with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the security based on the completion of various development stages may be done at the discretion of the City.

Subd. 12. Notice of Construction Commencement

The Applicant must notify the City in advance before the commencement of construction. Regular inspections of the Stormwater Treatment Practice construction shall be conducted by the staff of the City or certified by a professional engineer or their designee, and the Applicant shall be responsible for the costs of such inspections. All inspections shall be documented and written reports prepared that contain the following information:

- (a) the date and location of the inspection,
- (b) whether construction is in compliance with the approved Stormwater Management Plan,
- (c) variations from the approved construction specifications,
- (d) any violations that exist.

If any violations are found, the Applicant shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the City.

Subd. 13. As Built Plans

All Applicants are required to submit actual "as built" plans for any Stormwater Treatment Practices located on-site after final construction is completed. As-built plans must show the final design specifications for all Stormwater Treatment Practices, and the plans must be certified by a professional engineer. A final inspection by the City is required before the release of any performance securities can occur. The City may waive certain requirements for the as built plans in the case of a Major Single-Family Residential Project or a Minor Expansion Project, provided the Applicant provides sufficient information to verify that the alternative improvements were installed as designed.

Subd. 14 Violations

Any person who commences or conducted Land Disturbance Activity contrary to this ordinance is guilty of a misdemeanor and may be prosecuted as such, restrained by injunction or otherwise abated in a manner provided by law.

(a) Notice of Violation

When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- (1) the name and address of the owner or Applicant,
- (2) the address when available or a description of the land upon which the violation is occurring,
- (3) a statement specifying the nature of the violation,
- (4) a description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action,
- (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed, and
- (6) a statement that the determination of violation may be appealed to the City by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

(b) Stop Work Orders

Persons receiving a notice of violation will be required to halt all construction activities.

This Stop Work Order will be in effect until the City confirms that the Land Disturbance Activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

(c) Civil and Criminal Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this ordinance shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

(d) Restoration of Lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the county.

Subd. 15. Holds on Occupancy Permits

Occupancy permits will not be granted until all Stormwater Treatment Practices have been installed and accepted by the City, or a financial guarantee in a form acceptable to the City has been submitted to ensure completion.

Subd. 16. Duration of Approval; Revocation of Approval

- (a) Approved plans issued under this section shall be valid from the date of approval through the date the City notifies the owner that all stormwater treatment practices have passed the final inspection required under approved conditions, or the approval is revoked.
- (b) Revocation of the stormwater approval may be made by the City if requirements within this ordinance are not fulfilled, or the owner or Applicant is unable to fulfill the ordinance requirements. If an approval is revoked, the Applicant must resubmit a Stormwater Management Plan prior to proceeding with any subsequent Land Disturbance Activity.

Subd. 17. Appeals

Any person aggrieved by the action of any official charged with the enforcement of this ordinance, as the result of the disapproval of a properly filed application for approval, issuance of a written notice of violation, or an alleged failure to properly enforce the ordinance in regard to a specific application, shall have the right to appeal the action to the City.

- (a) The Applicant shall submit the appeal in writing and include supporting documentation.
- (b) City staff shall make a decision on the appeal within 15 business days of receipt of a complete appeal application.
- (c) The Applicant may appeal the decision of city staff to the city council. This appeal must be filed with the City within 30 days of City staff's decision.

Subd. 18 Compatibility with Other Permit and ordinance Requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

Subd. 19. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance, which shall remain in full force and effect.

EXAMPLE ORDINANCE

Section 828.29. Construction Site Storm Water Runoff Control Ordinance

Subd. 1. Purpose. The purpose of this ordinance is to promote, preserve and enhance the natural resources within the City of Medina by regulating Land Disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land. This ordinance sets forth the following standards and procedures in order to control land disturbances and/or development activities that may impact water quality and/or impact environmentally sensitive land.

Subd. 2. Definitions. The following words and terms, wherever they occur in this ordinance, are defined as follows:

- a) “Best Management Practices” or “BMPs” means erosion and Sediment Control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of Surface Water, including, but not limited to, avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, or prohibitions or other management practices published by state or designated area-wide planning agencies.
- b) “Contractor” means the party who signs the construction contract or development agreement with the city to construct a project. Where the construction project involves more than one contractor, the general contractor shall be the contractor that is responsible pursuant to the obligations set forth in this ordinance.
- c) “Dewatering” means the removal of water for construction activity such as the removal of temporary sediment basin water or appropriated surface or groundwater to dry and/or solidify a construction site.
- d) “Erosion” means the wearing away of the ground surface as a result of the movement of wind, water, ice and/or land disturbance activities.
- e) “Erosion Prevention” means measures employed to prevent Erosion. Examples include, but are not limited to: soil stabilization practices, limited grading, mulch, temporary or Permanent Cover, and construction phasing.
- f) “Final Stabilization” means:
 - i) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;
 - ii) For individual lots in residential construction by the Contractor, the Contractor must either: (A) complete Final Stabilization as specified above, or (B) establish temporary stabilization including perimeter

- controls for an individual lot prior to occupation of the structure. If the contractor chooses (B), it must inform the Owner in writing of the need for, and benefits of, Final Stabilization;
- iii) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) Final Stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to Surface Waters and drainage systems and areas which are not being returned to their preconstruction agricultural use must meet the Final Stabilization criteria in subparts (i) or (ii) above;
 - iv) The Contractor must clean out all Sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be Stabilized to prevent it from washing back into the basin, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity. All drainage ditches constructed to drain water from the site after construction is complete must be Stabilized to preclude Erosion; and
 - v) All temporary synthetic and structural Erosion Prevention and Sediment Control BMPs (such as silt fence) must be removed as part of the Final Stabilization on the site.
- g) “Impervious Surface” means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, parking lots, storage areas and concrete, asphalt, or gravel driveways or roads.
- h) “Land Disturbing Activity” means any land change that may result in soil Erosion from water or wind and the movement of Sediments into or upon waters or lands within the city’s jurisdiction, including, but not limited to, clearing, grubbing, grading, excavating, transporting and filling.
- i) “Owner” means the person or entity with a legal or equitable interest in the land on which the construction activities will occur.
- j) “Permanent Cover” shall mean “Final Stabilization.”
- k) “Sediment” means the product of an Erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air or ice, and has come to rest on the earth’s surface either above or below water level.
- l) “Sediment Control” means methods employed to prevent Sediment from leaving the site. Sediment Control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection and temporary or permanent sedimentation basins.

- m) “Stabilized” means the exposed ground surface after it has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blankets, or other material that prevents Erosion from occurring. Grass seeding is not considered stabilization.
- n) “Storm Water” shall have the meaning given to it by Minnesota Rule 7077.0105, subpart 41(b).
- o) “Storm Water Pollution Prevention Plan” means a plan for storm water discharge that includes Erosion Prevention measures and Sediment Controls that, when implemented, will minimize soil Erosion on a parcel of land and minimize off-site nonpoint pollution to the maximum extent practicable.
- p) “Surface Water or Waters” means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, wells, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private.
- q) “Temporary Erosion Protection” means short term methods employed to prevent Erosion. Examples of these methods include: straw, wood fiber blanket, wood chips and erosion netting.

Subd. 3. Applicability. Every individual or entity applying for a permit to allow Land Disturbing Activities of one acre or greater, including activities on land that is part of a common plan for development that collectively will disturb land one acre or greater must submit a Storm Water Pollution Prevention Plan to the city engineer. No building permit, subdivision approval or development permit to allow Land Disturbing Activities shall be issued by the city until approval of the Storm Water Pollution Prevention Plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ordinance. Any Land Disturbing Activity that is less than one acre that is issued by the city must adhere to subdivisions 7 and 9 of this ordinance, with the exception of the inspection and record keeping requirements of these subdivisions.

Subd. 4. Exemptions. The following activities are exempt from the Storm Water Pollution Prevention Plan requirement of this ordinance:

- a) Any part of property located in a subdivision if the preliminary plat for the subdivision has been approved by the city council on or before the effective date of this ordinance;
- b) Property for which a building permit has been approved by the city on or before the effective date of this ordinance;
- c) Installation of fence, sign, telephone, cable television, electric and other kinds of posts or poles, or utility lines or service connections to these utilities which result in creating under one acre of exposed soil;

- d) Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards;
- e) Routine agricultural crop management practices;
- f) Digging and filling of graves at a cemetery; or
- g) Refuse disposal sites controlled by other governmental regulations.

Subd. 5. Storm Water Pollution Prevention Plan Submittal Procedures.

- a) Submittal. Every individual or entity that has applied for a permit pursuant to this ordinance shall submit a Storm Water Pollution Prevention Plan to the city's zoning administrator in accordance with the requirements and approval standards set forth in subdivisions 6 and 7 of this ordinance. No building permit, subdivision approval or permit to allow Land Disturbing Activities shall be issued until the city engineer approves this Plan. If it chooses, the applicant may have the Storm Water Pollution Prevention Plan reviewed by the appropriate departments of the city prior to submitting the Plan.
- b) Financial Security and Fees. All Storm Water Pollution Prevention Plan submittals shall be accompanied by a letter of credit, or cash equal to the required escrow amount and a separate check for deposit for administrative fees. All escrow and administrative fee deposit amounts shall be determined annually by the city council through a resolution that adopts the city's fee schedule.

Subd. 6. Storm Water Pollution Prevention Plan Requirements. At a minimum, the Storm Water Pollution Prevention Plan shall contain the following information:

- a) The name and address of the applicant, a legal description of the site, north point, date and scale of drawing and number of sheets;
- b) An existing site map: a map of existing site conditions showing the site and immediately adjacent areas, which shall include the following information;
 - i) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions and districts or other landmarks;
 - ii) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;
 - iii) A delineation of all Surface Waters located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota

- Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
- iv) The location and dimensions of existing Storm Water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating the direction and the rate the Storm Water is conveyed from the site, identifying the receiving stream, river, public water, or wetland and setting forth those areas of the unaltered site where Storm Water collects;
 - v) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed which describes any remedial steps to be taken by the applicant to render the soils suitable;
 - vi) The location and type of vegetative cover on the site and clearly delineating any vegetation proposed for removal; and
 - vii) 100 year floodplain, flood fringes and floodways boundaries.
- c) A site construction plan which shall include the following information:
- i) Locations and dimensions of all proposed Land Disturbing Activities and any phasing of those activities;
 - ii) Locations and dimensions of all temporary soil or dirt stockpiles;
 - iii) Locations and dimensions of all Erosion Prevention measures and Best Management Practices necessary to meet the requirements of this ordinance;
 - iv) Schedule of anticipated start and completion dates of each Land Disturbing Activity including the dates of installation of Erosion Prevention measures for each phase needed to meet the requirements of this ordinance; and
 - v) Provisions for maintenance of the Erosion Prevention measures prior to Final Stabilization.
- d) A plan of final site conditions, which shall include the following information:
- i) Finished grading shown at contours at the same interval as provided on the existing site map to clearly indicate the relationship of proposed changes to the site's existing topography and remaining features;
 - ii) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials that will be added to the site;
 - iii) A drainage plan of the developed site delineating in which direction and the rate Storm Water will be conveyed from the site and setting forth the areas of the site where Storm Water will be allowed to collect;
 - iv) The proposed size, alignments and intended use of any structures to be erected on the site;
 - v) A clear delineation and tabulation of all Impervious Surfaces to be installed on the site, including a description of the surfacing material to be used;
 - vi) Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project; and

- vii) A copy of the applicant's Minnesota Pollution Control Agency's Permit for discharging Storm Water from construction activity (MN R100001).

Subd. 7. Storm Water Pollution Prevention Plan Approval and Performance

Standards. No Storm Water Pollution Prevention Plan that fails to meet the standards set forth in this ordinance shall be approved by the city. All of the following requirements shall be adhered to during the construction on the site.

- a) Site Dewatering and Basin Draining: Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate controls as appropriate. Water shall not be discharged in a manner that causes Erosion, scour, sedimentation or flooding of the site, receiving channels or wetlands.
- b) Construction Site Waste:
 - i) Solid waste: All waste and unused building materials (including, but not limited to, collected Sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, demolition debris) must be disposed of properly and shall comply with disposal requirements as set forth by the Minnesota Pollution Control Agency.
 - ii) Hazardous/toxic materials: Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharges. Access to storage areas for these materials must be restricted in order to prevent vandalism. All storage and disposal of hazardous or toxic materials must be in compliance with requirements set forth by the Minnesota Pollution Control Agency.
 - iii) Liquid waste: All other non Storm Water discharges (including, but not limited to, concrete truck washout, vehicle washing or maintenance spills) conducted during the construction activity shall not be discharged to any Surface Waters.
 - iv) External washing of any equipment shall be limited to a defined area of the site. All runoff must be contained. Waste must be disposed of properly. No engine degreasing shall be allowed on the site.
 - v) All liquid and solid waste generated by any concrete washout operations on the site must be contained in a leak proof facility or impermeable liner. Concrete waste must not come into contact with the ground. No runoff from concrete washout operations or areas is permitted. Concrete waste must be disposed of properly and in compliance with applicable Minnesota Pollution Control regulations.
- c) Tracking: All roads, access drives and parking areas must utilize a temporary tracking pad and must be of sufficient width and length to prevent Sediment from

being tracked onto public or private roadways and/or the Storm Water conveyance system. Temporary tracking pads must be installed and maintained in all locations on the site where vehicles enter and exit.

- d) Storm Drain Inlet Protection: All storm drain inlets must be protected by appropriate Best Management Practices during construction until all sources with potential for discharging to the inlet have been Stabilized.
- e) Site Erosion Control: The following criteria shall apply only to construction activities that result in runoff leaving the site:
 - i) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as follows: sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resulted runoff rates of less than 0.5 feet per second across the disturbed area for a one hundred year storm event. Diverted runoff shall be conveyed in a manner that will not cause Erosion, scour, Sedimentation or flooding of the conveyance and receiving waters;
 - ii) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time;
 - iii) Runoff from the entire disturbed area on the site shall be controlled by meeting subsections A through E of this subpart:
 - All exposed soil areas must have Temporary Erosion Protection or Permanent Cover for the exposed soil areas for the entire year as soon as possible, but in no case any later than 14 days after construction activity on that portion of the site has temporarily or permanently ceased;
 - B) The normal wetted perimeter of a temporary or permanent drainage ditch that drains water for the project site or diverts water around the project must be Stabilized. Stabilization must occur within 24 hours of connecting to a surface water;
 - C) Pipe outlets must have temporary or permanent energy dissipation within 24 hours of connection to a surface water;
 - D) When possible, all slopes must be graded in such a fashion that any tracking marks made from heavy equipment are perpendicular to the slope in accordance with the city's engineering standards, detail ERO-22; and
 - E) Land Disturbance Activities that are one acre or greater that drain to a discharge point within the distance of a Special or Impaired

Water as specified in the current version of the Minnesota Pollution Control Agency Construction Site General Permit must be Stabilized as soon as possible, but in no case later than seven days after construction activity in that portion of the site has temporarily or permanently ceased.

- F) Land Disturbance Activities that are less than one acre that drain to a discharge point within 1000 feet of a Special or Impaired Water must be Stabilized as soon as possible, but in no case later than seven days after construction activity in that portion of the site has temporarily or permanently ceased.
- f) Site Sediment Control: The following criteria shall apply only to construction activities that result in runoff leaving the site:
- i) Silt fences or equivalent control measures shall be placed on the downslope sides of the site and installed along the contour. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce the amount of Sediment reaching the channel. The use of silt fences or equivalent control measures must be properly maintained during construction activities.
 - ii) For sites that have more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin, be at least three feet deep and be constructed in accordance with accepted design specifications. Sediment shall be removed on a regular basis in order to maintain a minimum depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause Erosion, scour, sedimentation or flooding of the discharge channel or receiving water.
 - iii) Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the storage pile to a roadway or drainage channel. If remaining for more than 14 days, it shall be Stabilized. Erosion from piles which will be in existence for less than 14 days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative controls. All downstream storm drain inlets must be protected with an appropriate inlet protection device.
- g) Site Restoration: All areas on the site that are disturbed during construction must be restored. The types of permanent restoration being used on the site shall be

clearly shown on the plans including, but not limited to, sod, seed, impervious cover and structures. In areas where vegetation is to be established, at least six inches of topsoil must be used. In areas where vegetation will be maintained, the city encourages the use of a combination of topsoil and compost equivalent to six inches of topsoil. Areas in which the topsoil or topsoil/compost mixture has been placed and finish-graded or areas that have been disturbed and other grading or site building construction operations are not actively underway must be temporarily or permanently restored as set forth in the following requirements:

- i) Areas that have a slope of less than 3:1 must be seeded and mulched within 14 days of the area not being actively worked.
- ii) Areas that have a slope greater or equal to 3:1 must be seeded and Erosion control blankets must be placed in accordance with city engineering standard detail ERO-21 within 14 days of the area not being actively worked.
- iii) All seeded areas must either be mulched and disc anchored, hydromulched, or covered by Erosion control blankets to reduce Erosion and protect the seed. Temporary or permanent mulch must be disc anchored and applied at a uniform rate of two tons per acre with at least 90 percent coverage.

h) Special and Impaired Waters:

- i) Additional BMPs together with enhanced runoff controls are required for discharge from a site to Special and Impaired Water as defined by Appendix A of the Minnesota Pollution Control Agency General Storm Water Permit for Construction Activity, parts A, B and section 1 of part C.
- ii) For areas of the site that drain to a discharge point that is within the distance as specified in the current version of the Minnesota Pollution Control Agency General Storm Water Permit for Construction Activity and drains to a Special or Impaired Water and the Land Disturbance Activity is one acre or greater in size, the BMPs identified in Appendix A, part C of the Minnesota Pollution Control Agency General Storm Water Permit for Construction Activity are required. Land Disturbance Activities that are less than one acre in size must comply with this requirement only if they are draining to a Special or Impaired Water and are within 1000 feet of that body of water.

Subd. 8. Storm Water Pollution Prevention Plan Review Procedures.

- a) Process: Storm Water Pollution Prevention Plans meeting the requirements of this ordinance must be approved by the city engineer or his or her designated representative in accordance with the standards of this ordinance.

- b) Duration: Storm Water Pollution Prevention Plan approval shall expire one year from the date of the city engineer's approval of the Plan unless construction has commenced. However, if prior to the date of expiration of the approval, the applicant makes a written request to the city engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the city engineer may grant one extension that shall not exceed one year. Receipt of any applicant's request for an extension shall be acknowledged in writing by the city engineer within 15 days of receipt. The city engineer shall make a decision on the extension request within 45 days of receipt.
- c) Condition: A Storm Water Pollution Prevention Plan may be approved subject to compliance with conditions imposed by the city that are reasonable and necessary to ensure that the requirements of this ordinance are met. Conditions that may be imposed include, but are not limited to: limiting the size, kind or character of the proposed improvements; requiring the construction of structures, drainage facilities, storage basins and other facilities; requiring replacement of vegetation; establishment of monitoring procedures; staging the work over a period of extended time; requiring alteration of the site's design to insure buffering; or requiring conveyance of necessary lands or easements to the city or other public entity.

Subd. 9. Inspection and Maintenance Requirements.

- a) The applicant shall be responsible at all times for the maintenance and proper operation of all Erosion Prevention and Sediment Control measures. The applicant shall also inspect, maintain and repair all disturbed surfaces, Erosion Prevention measures, Sediment Control measures and soil stabilization measures on the site at least once each day that any work is performed on the site. If no work is performed on the site on a daily basis, the inspection, maintenance and repair by the applicant shall continue at least once every seven days, until the Land Disturbing Activity has ceased. Thereafter, the applicant shall continue perform these responsibilities at least once every seven days until Stabilization. The applicant shall maintain a record of all of its activities required by this subpart for inspection by the city upon request.
- b) The applicant must inspect the construction project within 24 hours of a rainfall event of one-half inch or greater in a 24 hour period.
- c) All inspections and maintenance activities conducted on the site during construction must be recorded in writing and must be retained with the Storm Water Pollution Prevention Plan. Records of each inspection and maintenance activity shall include the following information:
 - i) Date and time of inspection;
 - ii) Name(s) of persons conducting the inspection;
 - iii) Findings of inspections, including recommendations for corrective actions;

- iv) Corrective actions taken, including the dates, times and the name of the party completing the corrective action;
 - v) Date and the amount of rainfall events that are greater than one-half inch in a 24 hour period; and
 - vi) Documentation of any changes made to the Storm Water Pollution Prevention Plan.
- d) If upon inspection of the site, the city finds that any private storm water management facilities or Erosion Prevention and Sediment Control measures require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other storm water facilities; the applicant shall be sent a written notice that includes the city's findings, what actions are required to correct the situation, and a date or dates by which such actions must be completed. The applicant shall have a maximum of seven days from the date of the notice to reply to the city in writing indicating his or her response to the notice. If the applicant does not complete the necessary activities stipulated by the city in the notice by the date(s) set forth in the notice, the city council after notice and public hearing may order that such activities be completed by the city or its designated contractor and that all costs associated with such activities be charged to the applicant and may be drawn from the escrow amount. If the escrow amount is insufficient, the amount incurred by the city that is outstanding may be assessed by the city council by levying the amount upon the properties benefiting from and utilizing the storm water facilities that were maintained, repaired or replaced by the city. This amount may be certified by the city to the County Auditor of Hennepin County, Minnesota and shall be collected in the same manner as the collection of real estate taxes.
- e) All Erosion and Sediment BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced or supplemented with a functional BMP. The applicant shall investigate and comply with the following BMP inspection and maintenance requirements:
- i) All silt fences must be repaired, replaced or supplemented when they become nonfunctional or the Sediment reaches one third of the height of the fence. Repairs shall be made within 24 hours of discovery or as soon as field conditions allow access.
 - ii) Temporary and permanent sedimentation basins must be drained and the Sediment must be removed when the depth of the Sediment collected in the basin reaches one-half the storage volume. Drainage and removal must be completed within 72 hours of discovery or as soon as field conditions allow access.
 - iii) Surface water, including drainage ditches and conveyance systems, must be inspected for evidence of Sediment being deposited by Erosion. The applicant shall remove all deltas and Sediment deposited in surface

waters, including drainage ways, catch basins, and other drainage systems and must restabilize the areas where Sediment removal results in exposed soil. The removal and stabilization must take place within seven days of discovery unless precluded by legal, regulatory or physical access constraints. In the event of an access constraint, the applicant shall use all reasonable efforts to obtain access. If access is precluded, removal and stabilization must take place within seven calendar days of obtaining access. The applicant is responsible for contacting all local, regional, state and federal authorities and obtaining any required permits prior to conducting any work.

- iv) Construction site vehicle exit locations must be inspected for evidence of off-site Sediment tracking onto paved surfaces. Tracked Sediment must be removed from all off-site paved surfaces within 24 hours of discovery, or if possible, a shorter amount of time.
- v) The applicant is responsible for the operation and maintenance of temporary and permanent water quality management BMPs, as well as Erosion Prevention and Sediment Control BMPs for the duration of the construction work on the site. The applicant remains responsible until another party has assumed control over all areas of the site that have not been finally Stabilized or the site has undergone Final Stabilization and a NOT has been submitted to the Minnesota Pollution Control Agency.
- vi) If Sediment escapes the construction site, off-site accumulations of Sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts.
- f) All infiltration areas must be inspected to ensure that no Sediment from ongoing construction activities is reaching the infiltration area and these areas are protected from compaction caused by construction equipment driving across the infiltration area.
- g) The applicant must ensure Final Stabilization of the project. The applicant must submit a NOT within 30 days of Final Stabilization being achieved, or another party assuming control on all areas of the project that have not achieved Final Stabilization.

Subd. 10. Notification.

- a) The applicant shall notify the City at the following points during construction:
 - i) Upon completion of the installation of perimeter Erosion and sedimentation controls;
 - ii) Upon completion of Land Disturbing Activities but before putting into place measures for final soil stabilization and Permanent Cover;
 - iii) When the site has been permanently Stabilized and Permanent Cover has been established; and

- iv) When all Temporary Erosion Protection and Sediment Controls have been removed from the site.

Subd. 11. Noncompliance and Enforcement Procedures.

- a) Notice of Noncompliance. In the event that any work on the site does not conform to the approved Storm Water Pollution Prevention Plan or any of the requirements listed in the provisions of this ordinance, the city engineer or his or her designee shall issue a written notice of noncompliance to the applicant detailing the corrective actions necessary for compliance. The applicant shall conduct the corrective actions within the time period determined by the city and stated in the notice. If an imminent hazard exists, the city may require that the corrective work begin immediately.
- b) Stop Work Order. If corrective actions identified in the notice of noncompliance are not completed by the time period set forth by the city in the notice, the city engineer or his or her designee may issue an order for the city to stop all inspections required for land use or building permit approvals until all corrective actions identified in the notice of noncompliance are completed. The applicant shall notify the city engineer or his or her designee upon completion of the corrective action. Once the city engineer has verified that corrective action has been taken, he or she shall inform the city and the city shall resume inspections on the site no later than the following business day.
- c) Action Against the Financial Securities. If the corrective action identified in the notice of noncompliance are not completed within the time specified in the notice, the city may act against the financial security if any of the conditions listed below exist. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city in order to reimburse the city for its costs incurred in the process of corrective work including, but not limited to, staff time and attorneys' fees.
 - i) The applicant ceases Land Disturbing Activities and/or filling and abandons the site prior to completion of the city-approved grading plan;
 - ii) The applicant fails to conform to the city-approved grading plan and/or the Storm Water Pollution Prevention Plan, or related supplementary instructions issued by the city;
 - iii) The techniques utilized under the Storm Water Pollution Prevention Plan fail within one year of installation; or
 - iv) Emergency action is required pursuant to subpart (d) listed below.
- d) Emergency Action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety or welfare, as determined by the city, the city may take emergency preventative action. Prior to taking emergency preventative action, the city shall attempt every reasonable measure possible to contact and direct the applicant to take the necessary action.

- e) Misdemeanor. Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes Section 609.03. Each additional day that the property remains in violation of this section shall constitute a separate violation of this section and may be prosecuted accordingly.
- f) Nothing contained herein shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of this section, including, but not limited to, seeking a civil injunction or a restraining order.

Subd. 12. Right of Entry.

- a) Right of Entry and Inspection: The applicant shall allow the city and its authorized representatives, upon presentation of credentials to:
 - i) Enter upon the site for the purpose of obtaining information, examination of records, conducting surveys or investigations;
 - ii) Bring such equipment upon the site as is necessary to obtain information, conduct surveys or investigations;
 - iii) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept pursuant to this ordinance;
 - iv) Inspect the Erosion control and Sediment Control measures required by the City or the Storm Water Pollution Prevention Plan; and
 - v) Sample and monitor any items or activities pertaining to any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.